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40 Asbestos tort reform

Senators watching bill closely

U.S. senators Max Baucus and Conrad Burns are continuing to keep a close eye on a new bill aimed at reforming how asbestos cases are handled across the country.

The asbestos legislation, sponsored by Senate Judiciary Committee Chairman Arlen Specter (R-Pa.), was introduced Feb. 7.

Both senators said they have been working closely with Specter to make sure that Libby's asbestos victims receive the compensation they need and deserve.

"Hundreds of people have already died or have become very ill," Baucus said. "An entire town was poisoned with asbestos for decades by W.R. Grace, a company that lied to its workers and the community about the deadly dust to which it was exposing its workers, their families and the citizens of Libby. Since this devastating event took place, I've pledged to the people of Libby that I'll do everything in my power to help make their commu-

nity whole again. It's time they get the compensation they need and deserve and I'm committed to making that happen."

Burns said he wanted to make sure Libby's special situation is recognized early on.

"By including these facts as part of the legislative findings within the comprehensive asbestos bill, I wanted to make it extremely clear that the pain and suffering inflicted on Libby's residents was foremost in my mind, and should be part of any larger discussion on asbestos reform," Burns said.

Based on suggestions from attorneys representing Libby claimants, Burns included a provision which does not allow for any healthcare payments made to Libby claimants from reducing any compensation they may receive from the trust fund to be established by the bill. In the language of the bill, any payment of medical expenses from other sources are not considered "collateral source compensation."

Burns said he still hopes for more fine-tuning to ensure that Libby residents are benefited by the trust fund, including provisions relating to medical criteria used to diagnose asbestos-related diseases.

"We must ensure that the final bill we vote on in Congress has the well-being of anyone affected by the unique situation in Libby in mind, and I'm working to make sure that's the case," Burns said.

Baucus said passing balanced asbestos legislation, with a good "Libby Fix" included, is essential because W.R. Grace may not be able to compensate Libby residents following the company's filing for bankruptcy.

Baucus said he will vote against a bill if it does not include a compensation "safety net" to ensure that Libby residents get the award they deserve and a provision to ensure that Libby claims receive prompt consideration by expert medical panels and the trust administrator.